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BEFORE THE CITY COUNCIL
OF THE CITY OF LAS VEGAS, NEVADA

IN THE MATTER OF:

DEPARTMENT OF FINANCE AND
BUSINESS SERVICES on behalf of the
CITY OF LAS VEGAS, NEVADA,

Petitioner,

vs.

VETERANS OF FOREIGN WARS
(VFW) POST NO. 10057,

Respondent.

ANSWER TO COMPLAINT
FOR DISCIPLINARY ACTION

Comes now, **REX BELL, ESQ.**, on behalf of the **VETERANS OF FOREIGN WARS (VFW) POST NO. 10057**, and answers the Complaint for Disciplinary Action as follows:

1. As to Summary of Allegations, it is true, Respondent holds a license but deny that the license permits sale and consumption of alcohol to bonafide members of the club on the premises only. The license permits sale of alcoholic beverages to members and their guests so long as they are on the premises and not outside.

On information and belief, deny selling beverages to underage people. It is true that at one time the VFW Hall did allow its members to drink alcoholic beverages in the parking lot but because of complaints have told their members that they are not to drink in the parking lot.

On information and belief, deny that VFW Post 10057 had been unwilling to work with members of the Las Vegas Metropolitan Police Department.

1 This Complaint is very general and somewhat difficult to answer because of the
2 generalities.

3 Deny that VFW post 10057 operates as a public nuisance.

4 Admit that on a couple of occasions, exact dates unknown employees were present
5 without their work card or alcohol awareness card.

6 Deny, on information and belief, that there were 188 calls for service from the Las Vegas
7 Metropolitan Police Department.

8 VFW Post 10057 admits that they have held a club liquor license in the City of Las Vegas
9 since 1968.

10 On information and belief, deny the events of April 5, 2005. We have no recollection of
11 the event of May 3, 2005; or of May 17, 2005. As to event of May 19, 2005, this event may
12 have happened. Mr. Albert Young has since that time obtained his key employee license.

13 Deny on information and belief the event of July 14, 2005. Mr. Whittle is not a key
14 employee.

15 Deny on information and belief the event of August 2, 2005.

16 As to September 30, 2005, this may possibly have happened but has been taken care of.

17 As to January 6, 2006, on information and belief, deny the events.

18 As to February 8, 2007, the fight occurred across the street.

19 As to March 2, 2007, admit that event and it was taken care of.

20 As to April 30, 2007, deny as have no knowledge of two people drinking in the bar which
21 had been served by the on-duty employee. Admit that Alfred Young could not supply a list of
22 current members as it was locked up.

23 As to May 1, 2007, admit that at the time this occurred they were not open for business
24 and took care of that problem immediately.

25 As to July 13, 2007, Patricia Roberson had a card but not on her and we do not know if
26 the employee list was available.

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1 As to July 19, 2007, the fight involving approximately 20 people occurred across the
2 street.

3 On information and belief, deny the allegations of July 30, 2007, as we have no
4 knowledge of same.

5 The event of September 2, 2007, had nothing to do with members of VFW Post 10057
6 or their guests. This was a situation a person was under the influence of PCP and other
7 individuals were trying to restrain him.

8 Events of September 18, 2007, deny on information and belief, as we have no knowledge
9 of this.

10 October 11, 2007, we admit. These people were removed from the property by
11 security and Post was not aware that they came back on property and that there was a stabbing
12 until after it happened.

13 November 2, 2007, VFW Post 10057 does not sell tobacco and were not aware that the
14 coin operated machines, being pool tables, were supposed to be posted. These are now posted
15 and we are not aware what employees, if any, did not have their alcohol awareness cards.

16 The event of November 7, 2007, we know that two individuals came to the club and
17 asked another person to step outside. This was a family dispute situation and noone was aware
18 that these individuals had this individual strip naked and walk home and/or rob him. It is true
19 that the on-duty bar manager said he would have done worse if it had been him and this was
20 improper conduct.

21 In a discussion between January 2005 and November 2007 there is an indication that
22 there were 188 calls for service. VFW Post 10057 indicates they have never made that many
23 calls and they suspect a number of these calls were made from the public telephone outside.
24 They have over the years called Metro on somewhere between 20 to 25 times to respond when
25 there have been problems in the club or in the parking lot.

26 In closing it is to be noted that VFW Post 10057 was issued a permanent liquor license
27 in May of 2007, so all issues of 2005 and 2006 up to May of 2007 were addressed and we do not

1 understand why they were being readdressed. In fact at the City Council meeting when the
2 permanent liquor license was issued, both the LVMPD and City Business Licensing commented
3 that they were cooperative.

4 In the allegation we deny that we have operated a business which constitutes a public
5 nuisance. We deny selling liquor to minors, deny that we have created a lawless environment
6 within which robberies, shootings and batteries have occurred. There is one key employee and
7 he is licensed with the City and there have been several occasions where employees came to
8 work without their work cards or alcohol awareness cards.

9 Deny that we purposely or carelessly are breaking commitments to the Las Vegas
10 Metropolitan Police Department and/or the Las Vegas Business Licensing Division.

11 **WHEREFORE**, Respondents request that the Complaint for Disciplinary Action be
12 denied.

13 **REX BELL & ASSOCIATES**

14 By: Rex Bell

15 Rex Bell, Esq.
16 Nevada Bar No. 01799
17 625 South 8th Street
18 Las Vegas, Nevada 89101

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21 **Receipt of copy** of the foregoing Answer to Complaint for Disciplinary Action is hereby
22 acknowledged this 24th day of January 2008.

23 **LAS VEGAS CITY ATTORNEY'S OFFICE**

24 By: William P. Henry / ck
25 400 Stewart Avenue, 9th Floor
26 Las Vegas, Nevada 89101
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